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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR ¹	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,136	08/22/2000	Ioana M. Danciu	07844-423001/P387	9363
21876	7590	05/16/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			YANG, RYAN R	
			ART UNIT	PAPER NUMBER
			2672	
DATE MAILED: 05/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,136

Applicant(s)

DANCIU, IOANA M.

Examiner

Ryan R Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 12/22/2004.

This action is final.

2. Claims 1-3 and 6-18 are pending in the case. Claims 1, 8-9 and 18 are independent claims. In the Amendment, filed on 12/22/2004, claims 1, 8, 9 and 18 were amended.

3. The title of this application is "Selecting Rendering Intents", as filed originally.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-2, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Usami (5,748,342).

As per claims 1 and 8, Usami discloses a computer implemented method or computer program product for selecting a rendering intent, the method comprising:

receiving a source color image having colors within a source color gamut (Figure 20 original);

receiving a plurality of rendering intents, wherein each rendering intent defines a mapping of colors from the source color gamut to a destination color gamut (Figure 1B 10 "a hard disk, which is used to store color reproduction range data of the printers 7 to 9 and the monitor, a profile including programs including a color space compression algorithm", column 3, line 53-56, where the profile including programs is the rendering intent);

Art Unit: 2672

generating a plurality of rendered images by rendering the source image using the plurality of rendering intents (Figure 20 where the three preview images were generated);

receiving input selecting a contrast mode from a plurality of contrast modes, wherein each contrast mode specifies a way to simultaneously review the plurality of rendered images ("algorithm A selected from a plurality of algorithms", column 5, line 24-25, thus, algorithm A and B are only two of the algorithms forming a contrast mode; "a preview function can be provided, which allows the user to form an image having a desired color appearance", column 8, line 65-67");

simultaneously previewing a plurality of images according to the selected contrast mode (Figure 20 where the three preview images are simultaneously displayed); and

selecting a rendering intent by receiving from a user a selected image from the plurality of images simultaneously previewed images according to the selected contrast mode (Figure 1B 12 "Reference numeral 12 denotes an operating unit, which is used by the user to select a desired process", column 3, line 64-65).

6. As per dependent claim 2, Usami demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses the rendered images are contrasted by simultaneously previewing them as a plurality of rendered images (Figure 20).

7. As per dependent claim 6, Usami demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses simultaneously

previewing a plurality of rendered image comprises simultaneously displaying them on a monitor (Figure 20).

Claim Rejections - 35 USC § 103

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usami as applied to claim 1 above, and further in view of Inoue et al. (5,844,542).

As per dependent claim 3, Usami and Nakajima demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Usami and Nakajima disclose a method of selecting a rendering intent. It is noted that Usami does not explicitly disclose "the rendered images are contrasted by simultaneously previewing them as a plurality of rendered differences", however, this is known in the art as taught by Inoue et al., hereinafter Inoue. Inoue discloses an image processing method in which "image adjustment on the original image data based on an image adjustment level deviated from that of the first image adjustment by a given level difference ...", column 2, line 58- column 3, line 3).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Inoue into Usami and Nakajima because Usami and Nakajima disclose a method of selecting a rendering intent and Inoue disclose the image difference can be simultaneously display in order to make color adjustment more efficiently.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usami and Nakajima as applied to claim 1 above.

Art Unit: 2672

As per claim 7, Usami demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Usami discloses a method of selecting a rendering intent. It is noted that Usami does not explicitly disclose simultaneously previewing a plurality of rendered images comprises printing them on a single sheet of paper, however, this is known in the art as taught by Nakajima. Nakajima discloses a method of rendering intent in which the image is printed (Figure 1- 3).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nakajima into Usama because Usama discloses a method of generating image from rendering intent and Nakajima discloses the rendered images can be printed in order to see the intended result.

Allowable Subject Matter

10. Claims 9-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As per claims 9 and 18, the closest prior art by Usami does not explicitly disclose "generating a plurality of difference images from the plurality of rendered imaged and a reference image" in a method of selecting a rendering intent.

Response to Arguments

11. Applicant's arguments with respect to claims 1-3 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

As per claims 1 and 8, applicant alleges Usami does not disclose a plurality of contrast modes. In reply, examiner considers Usami teaching "algorithm A selected from a plurality of algorithms" (column 5, line 24-25) means there are a plurality of algorithms providing contrast modes and algorithm A provides one of the contrast mode. Therefore, Usami meets the claimed limitations.

As for "contrast differences", this is not part of the claim limitations.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2672


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ryan Yang
May 5, 2005